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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/264,171 | 03/05/1999 | LESLIE STROH | STROH | 2689 |
| 545 | 7590 | 12/11/2003 | EXAMINER | |
| ANTHONY H. HANDAL KIRKPATRICK & LOCKHART, LLP 599 LEXINGTON AVENUE 31ST FLOOR NEW YORK, NY 10022-6030 | | | AKERS, GEOFFREY R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3624 | |
| DATE MAILED: 12/11/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/264171

Applicant(s)

Strach

Examiner

Albers, G

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 9/25/03

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 35-80, 82-87, 92-101 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 35-80, 82-87, 92-101 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election require

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. §§ 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

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DETAILED ACTION

Response to Request for Continued Examination

1. This action is issued in response to applicant's newly compliant Amendment H(Paper #32) filed 9/25/03. Amendment G(Paper #28) filed 7/11/03 was non compliant.
2. Claims 88-91 were canceled.No claims were added.
3. Claims 35-80,82-87,92-101 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35-80,82-87,92-101 are rejected under 35 USC 103(a) as unpatentable over Ordish(US Pat. No: 5,727,165) in view of Odom(US Pat. No: 6,058,379) and further in view of Tozzoli(US Pat. No.5,717,989).
6. As per claims 35-80,82-87,92-101, Ordish teaches a trade finance method for financing the sale of a traded product supplied by a seller to a buyer(col 4 lines 6-17) comprising:the buyer providing an event-activated, latent payment draft to the seller of the seller's agent prior to release of the traded product from the seller's control(col 3 lines 16-35)(col 7 lines 2-28)(Fig 7). Ordish further teaches ordering a payment, for the traded product to be made within a term commencing with a specified activating event indicated in the payment draft and selected by the

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buyer and the seller to occur after execution of the payment draft by the buyer(col 3 lines 37-42)(col 4 line 57-col 5 line 10). Ordish also teaches a composite match notification,acknowledge display and confirmed trade system for execution involving a party and a counterparty(Fig 8/308/306/300/302/200/304/312) with timing limitations(Fig 3) and protocol acknowledgements(Fig 2).In addition to that taught by Ordish, Odom teaches the event activated payment draft is payable to the seller's order(col 13 lines 26-33)(col 6 line 59-col 7 line 14) and is drawn on the buyer and is executed by the buyer to indicate the buyer's acceptance of the payment draft(col 13 lines 34-36). Odom also teaches the seller releasing the traded product for delivery to the buyer(col 7 lines 56-60)(Fig 5/530).Odom also teaches processing of purchaser information(FCig 2/220). In addition to that taught by Odom,Tozzoli teaches a system for storing criteria by a funder relating to trade transactions between buyers and sellers related to generation of payment guarantees to sellers on behalf of buyers(Abstract) for transfer from the buyer to the seller upon an activating event occurring as appropriate conditions being met(Abstract).(Figs 2A)(Fig 2B)(Fig 3A-3C).Tozzoli further teaches a buyer,broker,carrier,seller issuing bank and paying bank and intermediary bank between two foreign countries(Fig 1/10/5B/6/3B/8B/2/9).Tozzoli also teaches applying filters to the purchase order vs the buyer limits(Fig 2A/120) and notification of proposed purchase order and filter approval(Fig 2A/200) as well as filter proposed purchase order vs seller limits(Fig 2A/180) and a payment not guaranteed notice(Fig 2A/160) and terms approval(Fig 2A/170) as well as acceptance or declination(Fig 2A/210/220) as well as terms revision(Fig 2A/150)(Fig 2B) and preparation of

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shipping documents template(Fig 3A/620) and filtering of shipping documents(Fig 3A/64) and preparation of the bill of lading(Fig 3B) and placing the goods in transit(Fig 3B/820) and the transfer of funds to the sellers bank(Fig 3C/880) and sending notification of the funds transfer(Fig 3C/890). It would have been obvious to one skilled in the art at the time of the invention to combine Ordish in view of Odom to teach part of the applicant's disclosure. The motivation to combine is to teach a networked commerce system that permits a user to bid automatically on items that require time to search for items of interest to the buyer as taught by Odom(col 2 lines 14-26).It also would have been obvious to one skilled in the art at the time of the invention to combine Ordish in view of Odom and further in view ofTozzoli. The motivation to combine is to teach a trade financing method which facilitates trade using a computer to store purchase order data representing a contract between a buyer and seller about a subsequent action data about a subsequent action in fulfillment of the contract and determining whether the subsequent action data satisfies the contract based upon the purchase order data as enunciated by Tozzoli(col 3 lines 49-56).

Response to Arguments

7. Applicant's arguments are moot in view of the new grounds of rejection.

Conclusion

8. **THIS ACTION IS MADE NON-FINAL.**

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9. Questions regarding this communication should be addressed to the primary Dr. Geoffrey Akers, P.E. who can be contacted at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the primary are unsuccessful, the primary's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

December 8, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER